

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Mark Tramaine McKellar

Docket No. 5:10-CR-63-1BO

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Mark Tramaine McKellar, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(j) and 924, Possession of Stolen Firearms and Ammunition, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on September 29, 2011, to the custody of the Bureau of Prisons for a term of 41 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 24 months under the standard conditions adopted by the court and the following additional condition:

The defendant is not to contact any persons that were victims of his crimes.

Mark Tramaine McKellar was released from custody on October 12, 2012, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 1, 2013, the defendant submitted a urine sample that tested positive for marijuana. When confronted with the results, the defendant admitted to using marijuana on September 29, 2013. He reports that his use was an isolated incident and he is not in need of substance abuse counseling at this time. In order to place the defendant in our Surprise Urinalysis Program and to possibly refer him to substance abuse counseling if additional use is detected, we are recommending that the conditions of supervision be modified to include our standard drug aftercare condition.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: October 3, 2013

ORDER OF COURT

Considered and ordered this 4 day of October, 2013, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge